



California Regulatory Notice Register

REGISTER 2002, NO. 49-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

DECEMBER 6, 2002

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Board of Equalization

Conflict of Interest Code—Notice File No. Z02-1120-01 Page 2277

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Mexican Fruit Fly Interior Quarantine—Notice File No. Z02-1126-08..... 2278

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Permit Reform Act—Notice File No. Z02-1122-02 2279

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Pierce's Disease Control Program—Notice File No. Z02-1126-09 2280

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Pesticide Safety Studies Involving Humans—Notice File No. Z02-1122-01 2283

TITLE 5. BOARD OF EDUCATION

Administration of Medication to Pupils at School—Notice File No. Z02-1121-02 2285

TITLE 14. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Waste Tire Hauling Registration and Manifesting—Notice File No. Z02-1121-01 2288

TITLE 14. FISH AND GAME COMMISSION

Cowcod and California Rockfish Conservation Areas—Notice File No. Z02-1126-10 2291

TITLE 16. CONTRACTORS STATE LICENSE BOARD

Current Fees—Notice File No. Z02-1126-06 2294

TITLE 16. PHYSICAL THERAPY BOARD OF CALIFORNIA

Physical Therapist Assistant Supervision—Notice File No. Z02-1126-05 2295

TITLE 22. DEPARTMENT OF HEALTH SERVICES

Special Claims Review Appeals—Notice File No. Z02-1112-03 2297

(Continued on next page)

***Time-
Dated
Material***

TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE	
<i>Denial Notices—Notice File No. Z02-1125-02</i>	2299

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING	
<i>Ineligible Prospective Contractors</i>	2301

DEPARTMENT OF FISH AND GAME	
<i>Consistency Determination for Hunte Parkway Extension (San Diego County)</i>	2302

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Notice of Interested Parties for Announcement of Public Workshop and Public Comment Period</i>	2303

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Notice of Interested Parties for Announcement of Second Public Comment Period</i>	2303

RULEMAKING PETITION DECISIONS

BOARD OF PRISON TERMS	
<i>Regarding the Petition of Mr. Larry McLaughlin</i>	2304

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	2306
Sections Filed, July 24, 2002 to November 27, 2002	2308

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order, call (916) 445-5391. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Room 104, Sacramento, CA 95814-0212.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY:

State Board of Equalization

A written comment period has been established commencing on December 6, 2002, and closing on January 20, 2003. Written comments should be directed to the Fair Political Practices Commission, Attention Kevin S. Moen, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written

comments must be received no later than January 20, 2003. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Kevin S. Moen, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Kevin S. Moen, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3417, subsection (b), of the regulations in Title 3 of the California Code of Regulations pertaining to Mexican Fruit Fly Interior Quarantine as an emergency action that was effective on November 11, 2002. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 3, 2003.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before January 20, 2003.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

The amendment of Section 3417(b) establishes a quarantine area of approximately 70 square miles surrounding the Monterey Park area of Los Angeles County. The effect of the change is to provide authority for the State to regulate movement of hosts of Mexican fruit fly from, into, and within that area under quarantine to prevent artificial spread of the fly to noninfested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3417(b) does not impose a mandate on local agencies or school districts, except

that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3417. No reimbursement is required for Section 3417 under Section 17561 of the Government Code because the Agricultural Commissioner of Los Angeles County requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$88 per year in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department proposes to amend Section 3417(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Kris Peeples at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulation in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulation amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture is proposing to take the action described in the Informative Digest.

A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person on or before 5:00 p.m. January 20, 2003.

Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 407 of the Food and Agricultural Code, and section 15376 of the Government Code, and to implement, interpret or make specific section 15376 of the Government Code, the Department of Food and Agriculture is considering changes to Title 3 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, the Permit Reform Act (Government Code section 15376), states that agencies must specify the actual processing times for applications and renewals, and the minimum, median and maximum days to issue a license, permit or registration.

No regulations exist to specify the actual processing times for the application or renewal for the dead hauler license category for the Meat and Poultry Inspection Branch of the Department of Food and Agriculture (herein after referred to as "Department").

This proposal amends section 300(c) to include the actual processing times for applications and renewals for a dead hauler license, and specifies the minimum, median and maximum days to process the application and renewal.

FISCAL IMPACT STATEMENTS

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Department has made an initial determination that the proposed regulatory action would not have any significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Costs Impact on Private Persons or Entities: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulations would affect small businesses. However, there is no perceived adverse impact upon businesses as the proposal relates to specifying the Department's actual processing times of its applications, licenses, and renewals for the "dead hauler" license category.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing (if a hearing is requested) or by the close of the written comment period.

INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing, prior to the hearing (if a hearing is requested), or during the public

comment period upon request from the Department of Food and Agriculture, 1220 N Street, Room A-116, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the persons named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations are to be addressed to the following:

Name: Nancy Grillo, Associate Analyst
Address: Department of Food and Agriculture
1220 N Street, Room A-116
Sacramento, CA 95814

Telephone No.: (916) 651-7280

Fax No.: (916) 653-4249

E-mail address: NGrillo@cdfa.ca.gov

The backup contact person is:

Name: Derric Atlee
Management Services Technician
Address: Department of Food and Agriculture
1220 N Street, Room A-130
Sacramento, CA 95814

Telephone No.: (916) 654-0504

Fax No.: (916) 654-2608

E-mail address: DAtlee@cdfa.ca.gov

Written comments, facsimiles or e-mails regarding this proposal are to be addressed to the following:

Name: Nancy Grillo, Associate Analyst
Address: Department of Food and Agriculture
1220 N Street, Room A-116
Sacramento, CA 95814

Telephone No.: (916) 651-7280

Fax No.: (916) 653-4249

E-mail address: NGrillo@cdfa.ca.gov

Website Access:

Materials regarding this proposal can be found at <http://www.cdfa.ca.gov>

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Sections 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3663.5 (Sections 3650 through 3663.5), of the regulations in Title 3 of the

California Code of Regulations pertaining to Pierce's Disease Control Program as an emergency action that was effective on October 17, 2002. The Department proposes to continue the regulations as adopted and to complete the adoption process by submission of a Certificate of Compliance no later than February 14, 2003.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before January 20, 2003.

INFORMATIVE DIGEST//POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations, as he deems necessary, to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code Section 5322). Sections 6045 through 6047 (Food and Agricultural Code) establish that *Xylella fastidiosa*, Pierce's disease, and its vectors present a clear and present danger to California's agricultural industry; establish a Pierce's Disease Control Program and Management Account with program funding appropriations; and establish authority to adopt regulations to effectuate the intent of these statutes.

The emergency adoption of Sections 3650 through 3663.5 established provisions for the Pierce's Disease Control Program including legislative intent and authority; general provisions for the control program, including work plan elements; definitions; area designation procedures; inspection of shipments and disposition of infested shipments; standards for movement and certification of bulk grapes, exemptions to those standards; standards for movement and certification of plants, including vector host plants, and exemptions to those standards; standards for movement and certification of bulk citrus, exceptions to those standards. These regulations provide more specificity regarding

work plans, hosts, and industry activities than those emergency regulations originally adopted in 2000. The emergency filing also combined all regulations for the Pierce's Disease Control Program in one regulatory action.

The effect of these regulations is to provide authority for the State to regulate the movement of hosts or carriers of the GWSS by setting forth standards for movement. The intent of the regulations is to control Pierce's disease by preventing the artificial spread of the GWSS to non-infested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Sections 3650 through 3663.5 do impose a mandate on local agencies, but not on school districts. Reimbursement will be made for costs resulting from this mandate from the Pierce's Disease Management Account established by the Legislature to combat Pierce's disease and its vectors. The Legislature authorized these funds to be allocated to those local public entities that develop Pierce's disease work plans that conform to statutory standards and are approved by the Department of Food and Agriculture.

The Department has also determined that the amended regulation will involve no additional costs or savings to any state agency because funds for state costs are already appropriated, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable savings to local agencies or costs or savings to school districts under Section 17561 of the Government Code, funds for reimbursement for costs to local agencies have already been appropriated, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action may have an adverse impact on some California businesses, including the ability of California businesses to compete with businesses in other states. These impacts would not be statewide and may only affect some of those businesses located within the glassy-winged sharpshooter (GWSS) infested areas. The economic impact on those California businesses is not expected to be significantly adverse when balanced against the protection provided to those businesses from costs or losses due to Pierce's disease or GWSS.

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

The cost impact of the emergency adopted regulation on a representative private person or business may be significant. A representative person or business could incur average costs of approximately \$3,255 per year in reasonable compliance with the proposed action. The actual costs will vary with the type and size of the affected businesses.

ASSESSMENT

The Department has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department adopted Section 3650 pursuant to the authority vested by Sections 407, 5323 and 6047 of the Food and Agricultural Code of California.

The Department adopted Section 3651 pursuant to the authority vested by Sections 407 and 6047 of the Food and Agricultural Code of California.

The Department adopted Sections 3652, 3653, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, and 3663.5 pursuant to the authority vested by Sections 407 and 6047 of the Food and Agricultural Code of California.

The Department adopted Section 3654 pursuant to the authority vested by Sections 407, 6047, 6521 and 6523 of the Food and Agricultural Code of California.

REFERENCE

The Department adopted Section 3650 to implement, interpret and make specific Sections 5323, 6045, and 6046 of the Food and Agricultural Code of California.

The Department adopted Section 3651 to implement, interpret and make specific Sections 6045 and 6046 of the Food and Agricultural Code of California.

The Department adopted Sections 3652, 3653, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, and 3663.5 to implement, interpret and make specific Section 6045 of the Food and Agricultural Code of California.

The Department adopted Section 3654 to implement, interpret and make specific Sections 6045, 6521, 6522, 6523 and 6524 of the Food and Agricultural Code of California.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov.

In his absence, you may contact Kris Peebles at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Pertaining to Pesticide Safety Studies Involving
Human Participants
DPR Regulation No. 02-007

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to amend sections 6000 and 6710 of Title 3, California Code of Regulations. The proposed regulatory action pertains to the process by which DPR approves scientific protocols from an ethical and technical perspective for California-based pesticide exposure studies that involve human participants. DPR adopted emergency regulations that became effective on July 18, 2002. The proposed regulatory action would make permanent these emergency regulations. The text of proposed regulations differs slightly from the emergency regulations now in effect.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on January 20, 2003. Comments regarding this proposed action may also be transmitted via e-mail <dpr02007@cdpr.ca.gov> or by facsimile (FAX) transmission at (916) 324-1452.

A public hearing is not scheduled. However, a public hearing will be scheduled if any interested person submits a written request for a public hearing to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does affect small businesses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Before a pesticide can be offered for sale for use in California, it has to be registered by DPR. Applicants for pesticide product registration must submit various studies to DPR regarding the product. In addition, DPR scientists conduct field studies each year to monitor worker exposure to pesticides. These studies help develop better methods to evaluate exposure and to prevent overexposure. Pesticide exposure studies are necessary in order to provide reliable and accurate exposure estimates for risk assessment. Using human participants enables researchers to obtain more relevant data regarding human health effects than

could be obtained from animal studies. Because of the wide variety of climatic conditions and the diversity of crops grown in California, researchers can conduct a wide variety of human exposure studies within the state.

Scientific studies are usually conducted according to a generally accepted or standardized procedure known as a protocol. A good protocol can help ensure that valid, consistent results are obtained. Carefully designed protocols are especially important when people will be exposed to pesticides during the study.

Section 6710 states that no person shall conduct any pesticide exposure study in California, which involves human participants, unless the DPR Director has given written approval of the protocol. The study shall be conducted in accordance with the approved protocol. Concurrent review of protocols by the Office of Environmental Health Hazard Assessment (OEHHHA) is also required. Protocols are reviewed from an ethical perspective, and technical guidance on the conduct of the study may be provided as well.

Section 6710 covers what is to be included in a protocol for this type of study. Items to be addressed include, among others, pesticide labeling directions and rates to be used, proposed starting and completion dates of the study, background and justification for the study, study design, methods to be used, selection process for human participants, criteria for exclusion or inclusion of these participants, written consent, medical supervision, and compensation.

Section 6710(c) requires DPR to submit these protocols to an appropriate committee of a public or private California research university, which has an agreement with DPR to review protocols with regard to use of human participants in research. After an ethical review of the protocol, the committee made a recommendation to DPR regarding approval of the protocol. The DPR Director then made the final decision and informed the registrant of the decision.

DPR contracted with the University of California at San Francisco (UCSF) to have its Committee on Human Research (CHR) review protocols for studies to be conducted by DPR's Worker Health and Safety Branch scientists. For a fee, CHR also reviewed protocols submitted to DPR by pesticide registrants, task forces, consultants, and others. DPR reviewed the protocols from a health and safety perspective and forwarded them to CHR for an ethical review.

On May 25, 2001, DPR noticed a proposed regulatory action in the *California Regulatory Notice Register* to amend section 6710(d) to reflect the increased cost of the protocol reviews. On September 7, 2001, DPR adopted the proposed action and delivered the rulemaking file to the Office of Administrative Law (OAL) for approval. Soon after

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

this, UCSF informed DPR that it would no longer be reviewing the protocols. DPR subsequently withdrew the rulemaking file from OAL on September 17, 2001.

Since that time, DPR attempted without success to find another public or private California university to review the protocols. Since the text of section 6710 was based upon the guidelines and requirements of CHR, it was necessary for DPR to completely revise it to provide an alternative means of ensuring appropriate ethical review of the protocols.

The proposed regulations would require a study director to obtain an Institutional Review Board (IRB) to conduct the ethical review of a protocol involving a California pesticide study using human participants. The study director would be required to submit all protocols directly to the IRB. DPR would accept an IRB's review provided it meets the requirements as specified in Title 40, Code of Federal Regulations, Protection of Environment, Part 26, Protection of Human Subjects, and provides adequate protection to the participants. In overseeing the entire protocol review process, DPR will also consider recommendations from the IRB and OEHHA prior to approving the protocol.

As part of the regulatory proposal, DPR has included new definitions in section 6000. These definitions are needed to clarify for section 6710 what is meant by "human participant," "Institutional Review Board (IRB)," and "study director." The definition of "pesticide exposure study" has been amended.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. However, representative private persons or businesses may incur a cost in reasonable compliance with the proposed action. Pesticide registrants, task forces, and consultants are typical of the businesses that submit protocols to DPR. DPR staff expect about 12 protocols per year to require participation and review by an IRB. Some of these protocols will be for new studies and the others will be for previously approved protocols that are up for renewal. CHR has charged these businesses \$300 per protocol review. As described previously in this notice, CHR is no longer providing this service and no other public or private California university has been found that is willing to review the protocols.

Based upon surveys of IRBs, it is expected that a fee of about \$1,300–\$1,500 per protocol will be charged for review. Thus, each protocol could now incur an additional cost of about \$1,200 beyond what was paid previously to CHR. However, prior to discontinuing their protocol review service, CHR had informed DPR that it would be raising its rate from the existing \$300 fee per protocol to \$1,400. In some cases, the cost to review a protocol will be less since it will be a renewal of a previously approved protocol. The cost of review of previously approved protocols that are up for renewal is expected to be about \$300–\$600. The sponsor of the research study will pay the fee to the members of the IRB that has been designated to review the protocol. The sponsor will also incur some of the other costs currently borne by DPR, including staff time involved with receiving the protocols and submitting them to CHR, in addition to the costs of reproduction, shipping, and interacting with CHR.

A majority of the protocol submitters are large businesses. Consulting firms are small businesses but they usually conduct the research which is subsequently paid for by pesticide registrants. Pesticide registrants are usually, but not always, large businesses. Considering that federal and state pesticide

registration is often a lengthy, costly process, DPR feels that this cost impact is not significant to representative private persons or businesses. These several-hundred-dollar protocol review costs are all extremely small in comparison to the total cost of a research study.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by Food and Agricultural Code sections 12976, and 12981.

REFERENCE

This regulatory action is to implement, interpret, or make specific Food and Agricultural Code sections 12980, 12981, 12987, and 12988.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person

named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Fred Bundock, Regulatory Program Specialist
Office of Legislation and Regulations
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
(916) 324-4194

Note: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above:

Linda Irokawa-Otani, Regulations Coordinator
(916) 445-3991

Questions on the substance of the proposed regulatory action may be directed to:

Jim Goodbrod, D.V.M.
Associate Environmental Research Scientist
Worker Health and Safety Branch
Department of Pesticide Regulation
(916) 323-7617

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Administration of Medication to Pupils at School

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The State Board will hold a public hearing beginning at 11:00 a.m. on Thursday, February 6, 2003, at 1430 N Street, Room 1101, Sacramento. The

room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. All written comments must be received by the Regulations Adoption Coordinator no later than the close of the public hearing scheduled to start at 11:00 a.m. on Thursday, February 6, 2003. Requests to present oral statements at the public hearing or written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 94244-2720
Telephone: (916) 319-0641
FAX: (916) 319-0155
E-mail: dstrain@cde.ca.gov

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 49423.6, Education Code.

Reference: Section 49423, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Department of Education (CDE) has received and responded to concerns and issues from school administrators, parents, physicians, school nurses, and community agencies regarding medication administration in schools. Education Code section 49423 provides statutory authority for provision of medication administration in California schools. The language of Education Code section 49423 has been interpreted as permissive and subsequently has resulted in the denial of these services to some pupils. Further, the Education Code currently does not provide statutes for implementation.

In April 1995, a representative group of parents and community agencies presented their concerns regarding the health and safety of students to the Commission on Special Education (Commission) due to the denial of medication administration and health care services in the schools as prescribed by physicians, lack of training for school staff designated to provide these services, and lack of supervision of school staff providing these services. In response to these con-

cerns, the Commission requested that CDE issue an advisory to local education agencies regarding medication administration in school. CDE issued an advisory in September 1997.

From March 1998 to August 2000, CDE continued to receive many calls from school districts, parents, physicians, and school nurses regarding concerns and questions regarding medication administration in school. CDE developed a Q&A page on its web site to address these questions (<http://www.cde.ca.gov/spbranch/sed/healthup/meds1.htm>).

Senate Bill 1549 was signed by the Governor on August 31, 2000. This bill added Section 49423.6 to the Education Code and required regulations be developed by June 15, 2001, regarding the administration of medication in the public schools. The bill required that the regulations be developed in consultation with parents, representatives of the medical and nursing professions, and others jointly designated by the Superintendent of Public Instruction, the Advisory Commission on Special Education, and the Department of Health Services.

The Medications Committee (Committee) was convened to begin developing regulations. The Committee used current standards of health care practice, and input from parents, physicians, school nurses, school administration staff, and community agencies to develop these regulations.

The Committee also considered information received from phone calls received by CDE from school districts seeking guidance on various problems and constraints related to medication administration services. Rural school districts, state border school districts, districts with few school nurses, and districts without school nurses face unique challenges in administering medications. In addition some districts raised issues related to the challenge of administering medications using different methods and with new technologies never before encountered in the school environment. The need for direction in the provision of over-the-counter medication administration in schools was also brought to the attention of the Committee, and has surfaced through proposed legislation. There is no specific statutory authority, however, upon which to base regulations for the administration of non-prescribed over-the-counter medications, and therefore these proposed regulations do not cover non-prescribed over-the-counter medications.

These various issues that needed addressing required the Committee to conduct extensive research, review more standards of healthcare practice for accommodating these needs in schools, and resulted in a request for an extension of time for completion of regulations for consideration by the State Board of

Education. The regulations were further delayed in order to address fiscal issues, and specific issues raised to the State Board.

These proposed regulations for the *Administration of Medication to Pupils at School* provides clarification for implementing Education Code section 49423. Specifically, these regulations clarify who may administer medications to pupils requiring medication during the regular school day, under what conditions such administration of medications may occur, and the requirements for the delivery, administration documentation, and disposal of medications.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The proposed regulations will have no effect on small businesses because they only provide clarity for schools on a permissive statute related to medication administration during the regular school day. The proposed regulations do not impose additional workload on small businesses or contractors funded by the Department.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Linda Davis-Alldritt, Consultant
California Department of Education
School Health Connections
1430 N Street, Suite 6408
Sacramento, CA 95814
E-mail: medregs@cde.ca.gov
Telephone: (916) 319-0284

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to Regulations Adoption Coordinator. The back-up contact person is Janis Miller, Analyst, (916) 319-0860, Jmiller@cde.ca.gov.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

**TITLE 14. CALIFORNIA
INTEGRATED WASTE
MANAGEMENT BOARD**

NOTICE OF PROPOSED RULEMAKING

DIVISION 7. NATURAL RESOURCES

CHAPTER 6. PERMITTING OF
WASTE TIRE FACILITIES

ARTICLE 8.5. WASTE TIRE
HAULER REGISTRATION

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (Board) proposes to amend Title 14, California Code of Regulations, Division 7, Chapter 6, by amending Articles 8.5, sections 18449 through 18466. The proposed regulations make changes in the existing regulations to implement, interpret and make specific the provisions of AB 117 (Escutia, 1998) and SB 876 (Escutia, 2000), as well as move language to more appropriate sections, correct errors, add definitions and language to make the regulations more functional, and delete unnecessary language.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. **The written comment period for this rulemaking closes at 4:00 p.m. on January 27, 2003.** The Board will only consider comments received at the Board's headquarters by that time. Please submit your written comments to:

Keith E. Cambridge, Special Waste Division
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, California 95812-4025
Fax: (916) 319-7605
e-mail: kcambri@ciwmb.ca.gov

If an individual previously commented on these regulations during workshops, that person should be aware that those comments were considered and often incorporated into the regulations. However, if such individuals are not satisfied with the proposed regulations, as they exist in the current proposed regulations, they must resubmit their comments so that they will be considered anew and made a part of this rulemaking record.

PUBLIC HEARING

A public hearing to receive public comments has been scheduled for the **February Special Waste and Market Development Committee Meeting**. The hearing will be held at the

Joe Serna Jr., Cal EPA Building
1001 I Street, 2nd Floor
Sacramento, CA 95814

The hearing will begin at **1:30 p.m. on February 3, 2003**, and will conclude after all testimony is given. The California Integrated Waste Management Board requests that persons making oral comments also submit a written copy of their testimony at the hearing. The hearing room is wheel chair accessible. If you have any questions, please contact Keith E. Cambridge at (916) 341-6422.

INFORMATIVE DIGEST

The California Integrated Waste Management Act (Act), Public Resources Code (PRC) § 40000 et., seq., gives the Board authority to provide for the protection of public health, safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC § 40502 requires the Board to adopt rules and regulations to implement the Act. Senate Bill (SB) 744 (McCorquodale, 1993) established the Waste Tire Hauler Registration Program and required the Board to adopt regulations for the Waste Tire Hauler Registration and Manifesting Programs. On May 9, 1996, the Board's Waste Tire Hauler Regulations became effective. With the passage of SB 744, and the subsequent regulations, the Board has been regulating the hauling of used and waste tires.

The subject regulations:

- a) Set forth procedures for the waste tire hauler registration program
- b) Provide exemptions from waste tire hauler registration process
- c) Establish waste tire hauler registration application process
- d) Establish waste tire hauler surety bond requirements
- e) Establish a process for waste tire hauler registration denials, suspensions, or revocations

- f) Establish a waste tire manifest system for registered waste tire haulers
- g) Establish civil penalties

AB 117 required the Board to prepare a report to the legislature on the current waste tire program and to make recommendations by June 30, 1999 for needed changes. The Board adopted the final version of the report entitled "California Waste Tire Program Evaluation and Recommendations" at its June 22, 1999 meeting. In this report, it was recommended to continue the current manifest system with five modifications.

These modifications were:

- 1) "Close the loop" on accountability, i.e. have copies of each manifest returned to the Board for monitoring.
- 2) Account for imported scrap and used tires.
- 3) Provide for "one time hauls" to support amnesty days and individual clean up of small tire piles.
- 4) Increase from four to nine the maximum number of waste and used tires that can be transported without having to obtain a waste tire hauler permit.
- 5) Develop a process to allow a hauler to temporarily substitute a replacement vehicle for a permanently registered vehicle.

Existing regulations provide that the waste tire generator, waste tire hauler, and waste tire end-use facilities retain copies of manifests. SB 876 requires copies of each manifest to be submitted to the Board for monitoring tire loads and movement within California. Therefore, Board staff modified the current Waste Tire Manifest System to incorporate these changes so that the Board will receive a copy of the completed manifest document for each transaction performed by the waste tire generator, waste tire hauler, and waste tire end-use facility.

Board staff conducted public workshops in November 2001, for discussion and comments on the proposed "California Uniform Used and Waste Tire Manifest System." Numerous comments were received from industry concerning this new manifest system and were considered during the initial design and development of the documents. In March 2002, staff conducted a "testing phase" of the new prototypes by selecting a small group of waste tire generators, waste tire haulers, and waste tire end-use facilities to participate in using these documents for a two-week period. The information collected during this "testing phase" was crucial and has resulted in final prototypes ready for implementation in the spring of 2003.

The Board, therefore, has proposed changes in the existing regulations to implement, interpret and make specific the provisions of SB 876, as well as implementing certain recommendations from the

AB 117 Tire Report. To expedite the regulation development process, staff proposes to make the necessary changes to regulations in an effort to satisfy SB 876 requirements. In addition, changes were made in an effort to simply and condense existing regulations.

The more significant proposed changes to the existing regulations are presented as follows:

- The development of the new California Used and Waste Tire Manifest System which will require all users of the Manifest Form and/or Tire Trip Log to submit the original documents to the CIWMB.
- The current exclusion for foreign Waste Tire Haulers will be deleted and they will be required to become registered with the CIWMB.
- Commercial Carriers and Agricultural Tire Haulers will be required to complete the Manifest Form and Tire Trip Log and submit the original documents to the CIWMB.
- The Denial, Revocation, and Suspension Hearing process is further clarified.
- Waste Tire End-Use Facilities will be required to report, via the Manifest Form, unregistered waste tire haulers to the CIWMB.

POLICY STATEMENT OVERVIEW

Over the past seven years the California Integrated Waste Management Board has been regulating the hauling of used and waste tires in California. The Waste Tire Hauler Program currently registers more than 870 waste tire haulers annually, with more than 6,900 vehicles statewide, and requires that every used or waste tire be manifested from the generator to the end-use or disposal facility. Existing waste tire hauler regulations set forth procedures for the waste tire haulers registration process and current manifest requirements.

The proposed regulations make changes in the existing regulations to implement, interpret and make specific the provisions of SB 876 and AB 117, as well as move language to more appropriate sections, correct errors, add definitions and modify language to make the regulations more functional, and delete unnecessary language.

PLAIN ENGLISH REQUIREMENTS

Board staff prepared the proposed final regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed final regulations are considered non-technical and are written to be easily understood by those parties that will use them.

AUTHORITY AND REFERENCES

PRC §§ 40502, 42962, 42966, and 43020 provide authority for these regulations. The purpose of the proposed actions is to implement, interpret, and make specific numerous statutes and regulations related to the transportation of used and waste tires. The following is a list of references cited in these proposed regulation changes: PRC §§ 42950, 42951, 42952, 42953, 42954, 42955, 42956, 42958, 42960, 42961, 42961.5, and 42962.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements.

**LOCAL MANDATE AND
FISCAL DETERMINATIONS**

Board staff has determined that the proposed regulations do not impose: 1) a mandate on local agencies or school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code §§ 17500 through 17630; 4) other nondiscretionary costs or savings on local agencies; or 5) costs or savings in federal funding to the state.

There is a significant cost to the CIWMB for the development, training, implementation, and on-going cost associated for the Manifest Form and Tire Trip Log. The overall cost is not known at this time; however, the Tire Program is funded through the tire disposal fee.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulations will not have a significant effect on housing costs.

**EFFECT ON BUSINESS AND
SMALL BUSINESSES/SMALL
BUSINESS DETERMINATION**

Board staff made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, with the exception of foreign haulers. The proposed regulations may apply to business and small businesses, but as stated above, will not have a significant adverse economic impact on business and small businesses. The waste tire generator, tire dealer, waste tire hauler, and end-use facility will be required to complete their required portion of the manifest Form and/or Tire Trip Log and then mail the document to the CIWMB. These Manifest Forms and/or Tire Trip Log will be self-mailers and have prepaid postage.

The waste tire haulers may find themselves initially spending more time in completing the Manifest Form and Tire Trip Log; however, it is believed that as time passes the hauler will become more familiar with the forms and the time delayed will be reduced significantly. With this proposed regulation, the common carrier and agricultural waste tire hauler will be required to complete the manifest.

The proposed regulation changes delete the exclusion from regulation for foreign Waste Tire Haulers and will require them to become registered with the same criteria as other waste tire haulers. This may pose a financial impact on this group of individuals as a \$10,000 surety bond will be required; however, it will make for a more uniform playing field.

**EFFECT ON COMPETITION WITH
OUT-OF-STATE BUSINESS**

Board staff has determined that the proposed regulations will not have an adverse economic impact upon the ability of California businesses to compete with out-of-state business.

**EFFECT ON CREATION OR ELIMINATION OF
JOBS, EXISTING OR NEW BUSINESS IN THE
STATE OF CALIFORNIA**

Board staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the state of California; 2) the creation of new businesses or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business with the state.

**COST IMPACT ON PRIVATE PERSONS
OR ENTERPRISES**

Board staff has determined that the adoption of the proposed regulations may have a cost impact on private persons or enterprises. Most impacts of the proposed regulations already exist in current law and regulation. The waste tire generator, tire dealer, waste tire hauler, and waste tire end-use facility, already required to complete the current Manifest Form, will be required to submit the completed Manifest Form and/or Tire Trip Log and submit them to the CIWMB. These Manifest Forms and/or Tire Trip Logs will be self-mailers and have pre-paid postage. The proposed regulations primarily clarify existing law and impose no new impacts, with a few exceptions listed below:

- The waste tire haulers may initially spend more time in completing the Manifest Form and Tire Trip Log;
- The proposed regulation changes would require foreign Waste Tire Haulers to be registered and obtain a \$10,000 surety bond.

The economic impact is unknown for these exceptions, as staff does not know how many foreign Waste Tire Haulers are currently active. Because foreign Waste Tire Haulers are not currently registered, there is no tracking capability at this time. In addition, staff believes that completing the Manifest Form and Tire Trip Log may initially be difficult for the haulers; however, should become easier with time.

CONSIDERATION OF ALTERNATIVES

The Board must determine whether other alternatives would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Keith E. Cambridge, Special Waste Division
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, California 95812-4025
(916) 341-6422 phone
(916) 319-7605 facsimile
e-mail: kcambrid@ciwmb.ca.gov

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Donald Dier Jr., Special Waste Division
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, CA 95812-4025
(916) 341-6290 phone
(916) 319-7597 facsimile
e-mail: ddier@ciwmb.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed regulations, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Keith Cambridge at the address or phone number listed above. For more timely access to the proposed text of the regulations, and in the

interest of waste prevention, interested parties are encouraged to access the Board's Internet homepage at www.ciwmb.ca.gov/rulemaking

Additionally, the Final Statement of Reasons will be available at the above listed Internet address or you may call the contact persons named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Requests for the modified text should be made to the contact person named. The Board will mail any modified text to all persons who testify at the public hearing; all persons who submit written comments at the public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 205 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, and 215 of said Code, proposes to amend subsection 27.82(a) and add sections 1.39, 1.49 and 27.83, Title 14, California Code of Regulations, relating to coastal pelagic species, highly migratory species, Cowcod Conservation Areas, California Rockfish Conservation Area, and restricted species and gear in the California Rockfish Conservation Area.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulations define rockfish and lingcod management areas, and closure periods within these management areas. Management areas include the Cowcod Conservation Areas off southern California, and Northern, Central, and Southern Rockfish and Lingcod Management Areas off California. Existing regulations specify where and when rockfish, lingcod, California scorpionfish, and ocean whitefish may be taken and possessed within rockfish and lingcod management areas (Section 27.82, Title 14, CCR). Also, existing regulations specify the method of taking rockfish and lingcod (describe the number of hooks

and lines, and define a hook)(sections 28.27 and 28.55, Title 14, CCR). In addition, current regulations define salmon (Section 1.73, Title 14, CCR), but do not define highly migratory species or coastal pelagic species.

Changes in groundfish regulations are being proposed by the Fish and Game Commission (Commission) to conform State regulations with federal groundfish rules that expand the boundary of the Cowcod Conservation Areas off southern California (will amend Subsection 27.82(a), Title 14, CCR). Proposed changes also create a California Rockfish Conservation Area (CRCA) off California in waters between 20 fathoms (120 feet) and 150 fathoms south of Point Reyes, Marin County, to the U.S.-Mexico border, and waters between 20 fathoms and 250 fathoms between Point Reyes and 40°10' N. lat. near Cape Mendocino, Humboldt County (adds new Section 27.83, Title 14, CCR). The change in the boundaries of the Cowcod Conservation Areas will incorporate additional areas of ocean waters that include depths to 150 fathoms occupied by cowcod. This action is directed at protecting the overfished stock of cowcod which is the subject of a federal rebuilding program. Creation of the CRCA and restrictions on the take of specified species (rockfish, lingcod, California scorpionfish, and ocean whitefish) and gear types in this area are directed at reducing bycatch mortality of overfished stocks of shelf rockfish, including bocaccio, cowcod, and canary rockfishes, in fisheries that target other than rockfish and lingcod.

The new regulations will restrict the take of rockfish, lingcod, California scorpionfish, and ocean whitefish within the CRCA. The regulations will also further regulate the type, size, and amount of fishing gear in the CRCA that has the potential to incidentally take rockfish, including the take of rockfish as bycatch. Whitefish, while not groundfish, are found in association with shelf rockfish and, therefore, are restricted when rockfish and lingcod are restricted in order to avoid unnecessary bycatch mortality of overfished species of rockfish.

Hook-and-line sportfishing gear with more than one hook or lure and more than six ounces of weight attached is proposed to be restricted south of Cape Mendocino. Also, the proposed regulatory changes include several exceptions to the restrictions on hook and line gear. The exceptions are provided in order that anglers may continue to fish in a traditional manner for species such as salmon, California halibut, sanddabs, coastal pelagic species, and highly migratory species. These species are not generally found in association with rockfish and are prized by anglers for their game fish (fighting) and eating qualities in the case of salmon, California halibut, and highly migratory

species; for their availability and authorized take in large numbers in the case of sanddabs (no daily bag limit); and for their use as bait fish in the case of coastal pelagic species. The proposed regulatory changes include the addition of definitions for highly migratory species and coastal pelagic species.

These regulatory changes were approved by the Pacific Fishery Management Council in September 2002 and are also being adopted as federal rules by the National Marine Fisheries Service. Final adoption of these sport fishing changes by the Commission is scheduled for its February 6-7, 2003 meeting to ensure consistency between, and the ability to enforce, California's sport fishing regulations for the CRCA in State waters (0-3 miles from shore) and regulations adopted for federal waters (3-200 miles from shore) for 2003.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Monterey Beach Resort Hotel, 2600 Sand Dunes Drive and Highway 1, Monterey, California on Thursday, December 5, 2002 at 10:00 a.m., or as soon thereafter as the matter may be heard

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Los Angeles/San Pedro (in a specific location to be determined following the December 6, 2002 meeting in Monterey), February 7, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before January 31, 2003 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than February 7, 2003, at the hearing in Los Angeles/San Pedro, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rule-making file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. LB Boydston, Intergovernmental Affairs Representative, Department of Fish and Game, phone (916) 653-6281, 1416 Ninth Street, Sacramento, CA 95814, and Don Schultze, Marine Region, Department of Fish and Game, phone (916) 227-5670, 1416 Ninth Street, Sacramento, CA 95814, have been

designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at

http://www.dfg.ca.gov/fg_comm/.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

Fishing regulations for rockfish and lingcod have become increasingly restrictive since 2000. This has stemmed from actions aimed at protecting and rebuilding overfished groundfish stocks. The proposed regulations continue that trend, and continue the trend of increasing adverse impact on businesses that depend on those and associated fishery resources. The affected businesses include commercial fishing operations, the operations of commercial passenger fishing vessels, and the shoreside businesses that support those activities. However, the restrictions have not affected the

ability of California businesses to compete with businesses in other states as the restrictions have been applied (to varying degree) coast wide.

The Commission has made an initial determination that the adoption/amendment of these regulation may have a significant statewide adverse economic impact on businesses. The Commission has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit alternative proposals. Submissions may include the following considerations:

- (i) the establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses;
 - (ii) consolidation or simplification of compliance and reporting requirements for businesses;
 - (iii) the use of performance standards rather than prescriptive standards; or
 - (iv) exemption or partial exemption from the regulatory requirements for business.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
 - (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
 - (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
 - (e) Nondiscretionary Costs/Savings to Local Agencies: None.
 - (f) Programs Mandated on Local Agencies or School Districts: None.
 - (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
 - (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is

proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 16. CONTRACTORS STATE LICENSE BOARD

NOTICE IS HEREBY GIVEN that the Contractors State License Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Contractors State License Board, 9821 Business Park Drive, Sacramento, California, 95827 at 10:00 A.M., on Thursday, January 23 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Contractors State License Board at its office not later than 5:00 p.m. on Wednesday, January 22, 2003 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 7008 and 7137 of the Business and Professions Code, and to implement, interpret or make specific Sections 7137 of said Code, the Contractors State License Board is considering changes to Division 8 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing section 7137 of the Business and Professions Code specifically sets the Board's licensing fees in statute. Accordingly, a CSLB regulation setting fees is not currently needed and does not exist. However, section 7137 has been amended by SB 1953 (Chapter 744, Statutes of 2002), effective on January 1, 2003, requiring the Board to adopt a regulation setting its licensing fees within upper limits set by the statute.

This proposed regulatory action would add Section 811 to Title 16, Division 8, Article 1.5 of the California code of Regulations (CCR) specifying license fees by categories authorized under the amended Section 7137, effective January 1, 2003. This action would not

raise or lower any fees. The fees proposed in this regulation are equal to those currently specified in existing Section 7137. If adopted, new Section 811 would merely implement the requirement that the Board set fees by regulation as mandated.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: No studies or relevant data were relied upon in making the above determination.

Impact on Jobs/New Businesses: The Contractors State License Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Contractors State License Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Contractors State License Board has determined that the proposed regulations would not affect small businesses. The regulation will only establish the fee levels that were established in statute prior to the chaptering of SB 1953 (Chapter 744, Statutes of 2002).

CONSIDERATION OF ALTERNATIVES

The Contractors State License Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is

proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Contractors State License Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Contractors State License Board at 9821 Business Park Drive, Sacramento, California 95827.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Andrea Steele
Address: 9821 Business Park Drive
Sacramento, CA 95827
Telephone No.: (916) 255-4074
Fax No.: (916) 255-4054
E-Mail Address: asteele@dca.cslb.ca.gov

The backup contact person is:

Name: Glenn Hair
Address: 9821 Business Park Drive
Sacramento, CA 95827
Telephone No.: (916) 255-4001
Fax No.: (916) 255-4054
E-Mail Address: ghair@dca.cslb.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Andrea Steele at (916) 255-4074.

Website Access: Materials regarding this proposal can be found at www.cslb.ca.gov.

TITLE 16. PHYSICAL THERAPY BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Shelter Pointe Hotel & Marina, 1551 Shelter Drive, San Diego, California at 10:00 a.m. on January 31, 2003.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physical Therapy Board of California at its office not later than 5:00 p.m. on January 20, 2003 or must be received at the hearing. The Physical Therapy Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 2615, 2655.1 and 2655.92 of the Business and Professions Code, and to implement, interpret or make specific Section 2655.92 of said Code, the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1) Amend section 1398.44

Business and Professions Code section 2655.92 authorizes the Board to adopt regulations to define "adequate supervision" requirements of the physical therapist assistant.

The Physical Therapy Board of California proposes to amend section 1398.44 by adding requirements and protocols for the adequate supervision of physical therapist assistants.

The proposal establishes responsibility of the supervisor to identify himself or herself to the physical therapist assistant as the supervisor accountable for the supervision of the treatment provided by the physical therapist assistant on each treatment day. Additionally, the proposed amendments further define communica-

tion and documentation requirements of the supervising physical therapist and the physical therapist assistant.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal could have an impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California since the proposed regulations impose a minimum standard of supervision of the physical therapist and physical therapist assistant increasing the responsibility and accountability of the supervising physical therapist.

Cost Impact on Private Persons or Entities: The Physical Therapy Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Physical Therapy Board of California has determined that the proposed regulations would affect small business.

CONSIDERATION OF ALTERNATIVES

The Physical Therapy Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of California at 1418 Howe Avenue, Suite 16, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person, named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be addressed to:

Rebecca Marco
1418 Howe Avenue, Suite 16
Sacramento, CA 95825
(916) 263-2550
(916) 263-2560 Fax Number
Rebecca_Marco@dca.ca.gov

The backup contact person is:

Steve Hartzell
1418 Howe Avenue, Suite 16
Sacramento, CA 95825
(916) 263-2550
(916) 263-2560 Fax Number
Steve_Hartzell@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Rebecca Marco at (916) 263-2550.

Website Access: Materials regarding this proposal can be found at www.ptb.ca.gov.

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION

NOTICE OF PROPOSED RULEMAKING

SUBJECT

Special Claims Review Appeals, **R-44-01**

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice.

COMMENTS

Any written statements, arguments or contentions (hereafter referred to as comments) must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on January 13, 2003, which is hereby designated as the close of the written comment period. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate.

Comments may be transmitted by email (regulation@dhs.ca.gov), through the "Making Comments" link on the Department website at <http://www.dhs.ca.gov/regulation/>, by regular mail, or by FAX to (916) 657-1459. Comments must be received before 5:00 p.m. on January 13, 2003, the close of the written comment period. All comments, including email, website, or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

CONTACTS

In any of the following inquiries, please identify the action by using the Department regulation control number, R-44-01.

Materials regarding the proposed regulations (including this public notice, the proposed regulations, and the Initial Statement of Reasons) that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/> and then by clicking on the "Search Regulations" button.

1. In order to request a copy of this regulation package be sent to you, please call (916) 654-0381 or send an email to: regulation@dhs.ca.gov.

2. Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Larry Bernstein of Medical Review Branch at (916) 323-4563.
3. All other inquiries concerning the action described in this notice may be directed to Marylyn Willis, R.N. of the Office of Regulations at (916) 657-3174, or to the designated backup contact person, Allison Branscombe, at (916) 654-0381.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Federal law provides for Medicaid agencies to include in their State Plans the methods and procedures that will be employed to safeguard against unnecessary utilization of care and services, pursuant to Section 1902(a)(30)(A) of the Social Security Act.

Federal regulation requires state Medicaid agencies to implement a statewide surveillance and utilization control program, pursuant to Section 456.3, Title 42, Code of Federal Regulations.

State law establishes the covered Medi-Cal benefits, which are subject to utilization controls, for participation in the Medi-Cal program, pursuant to Section 14132, Welfare and Institutions (W&I) Code.

State law likewise establishes the utilization controls that may be applied to services subject to utilization controls: postservice prepayment audit is a review after service was rendered but before payment is made; payment may be withheld or reduced if the service rendered was not a covered benefit, deemed medically unnecessary or inappropriate, pursuant to Section 14133(b), W&I Code.

Special Claims Review (SCR) is a postservice prepayment utilization control that allows Medi-Cal providers to continue receiving payment for services by submitting accompanying documentation supporting the services billed. The Department may initiate SCR on a provider upon a determination there is evidence of inappropriate billing practices. Removal from SCR is based on the individual provider's compliance with the SCR requirements.

State regulation establishes that the Department may place any provider on SCR for specific or all services provided. SCR may be placed on a provider upon a determination that the provider has submitted improper claims, including claims that incorrectly identify or code services provided.

This regulation package proposes the repeal of Section 51015.1, Title 22, CCR, which allows providers placed on SCR to appeal the action in writing to the Department. The effect of this regulation change would be that providers could no longer appeal their SCR status. Providers would retain the right to appeal the processing or payment of specific claims, and would continue to be paid for claims accompanied by the appropriate documentation for the billed products or services.

AUTHORITY

Sections 14105, 14124.5 and 14133(b), Welfare and Institutions Code.

REFERENCE

Sections 14104.5 and 14133(b), Welfare and Institutions Code.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: None
- C. Fiscal Effect on Federal Funding of State Programs: None
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action:
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would affect small businesses.

The Department has determined that the regulations will have no impact on housing costs.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. A copy of the initial statement of reasons and a copy of the text of the proposed regulations are available upon request by writing to the Office of Regulations at the address noted above, which will also be the location of public records, including reports, documentation, and other material related to the proposed regulations (the rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the proposed regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed action.

No hearing has been scheduled; however, any interested person or his or her duly authorized representative may request, in writing, no later than

15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services, by phone (916-657-1411); FAX (916-657-0153); TDD (916-657-2861); or email (civilrights-ra@dhs.ca.gov).

TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE

NOTICE OF INTENT TO ADOPT REGULATIONS REGARDING DENIAL NOTICES

NOTICE IS HEREBY GIVEN

The Director of the Department of Managed Health Care (Director), pursuant to the rulemaking authority granted by Section 1344 of the Health and Safety Code, proposes to implement, interpret and make specific certain subsections of Section 1374.30 of the Health and Safety Code relating to denial of health care services, based on coverage determinations, and enrollee rights to file grievances and request independent medical review. If adopted, the proposed regulations will be contained in the California Code of Regulations, Title 28, Section 1300.68.02.

PUBLIC HEARING

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for hearing must be received in writing by the Department of Managed Health Care (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD/ CONTACT PERSON

Notice is also given that any interested person may present statements or arguments relevant to the proposed action by a written communication addressed to, and received by, the Department's contact person identified below on or before 5 p.m. on January 20, 2003. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day. Written communications may also be sent to Lyn Amor Macaraeg via electronic mail at lmacaraeg@dmhc.ca.gov or via facsimile at (916) 324-6459. All comments, including facsimile and e-mail transmissions, should include the author's

name and mailing address to enable the Department to provide future notices of proposed changes to the regulatory text.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Director licenses and regulates health care service plans under the Knox-Keene Health Care Service Plan Act of 1975 ("Act"), Chapter 2.2 (commencing with section 1340) of Division 2 of the Health and Safety Code. Unless otherwise specified, all references to "section" are to sections of the Act.

The question of whether a health plan denies a health care service because it considers the service not to be medically necessary, or because it considers the service not to be covered by the enrollee's contract, is critical. The answer to that question determines whether the enrollee is entitled to an independent medical review. Section 1374.30 requires that every health care service plan must provide every enrollee the opportunity to seek independent medical review whenever health care services have been denied, modified, or delayed based in whole or in part on a determination that the services or benefits are not medically necessary. On the other hand, health care services denied, modified, or delayed based on a coverage determination are not eligible for independent medical review, but the enrollee is entitled to pursue a grievance, and to have that grievance reviewed by the Department pursuant to Section 1368(b).

Section 1374.30(b) states that a plan decision denying, modifying, or delaying health care services, based in whole or in part on a coverage determination, must clearly specify the provision in the enrollee's contract that excludes the coverage. Section 1374.30(d)(3) states that the Department shall be the final arbiter of whether the services were denied based on coverage or on medical necessity. This section also requires the Department to establish a process to screen enrollee grievances for medical necessity issues. Section 1374.30(d)(1) states in its final sentence that enrollee grievances involving coverage decisions remain eligible for review by the Department pursuant to Section 1368(b).

Health and Safety Code Section 1344 authorizes the Director to adopt such rules, forms, and orders as are necessary to carry out provisions of the Act. As part of the process to screen enrollee grievances for medical necessity issues and to make the final determination as to whether the services were denied based on coverage or medical necessity, as required by Section 1374.30(d)(3), the Department needs a clear statement explaining why a denial is based on lack of coverage. The enrollee also needs a clear statement explaining both the basis for the denial and the enrollee's right to

file a complaint and request for independent medical review with the Department. Regulation 1300.68.02 addresses these needs of the Department and the enrollees.

Regulation 1300.68.02(a):

This regulation is necessary to clarify that the health plan must notify the enrollee in writing whenever the plan, or any entity with delegated authority, denies a proposed health care service or benefit based in whole or in part on a determination that the requested service or benefit is not covered by the enrollee's contract.

Subpart (1) is necessary to require the plan to provide a clear and concise explanation of the specific reason or reasons why the requested service or benefit has been denied, limited, modified, reduced, delayed, or terminated, or why a requested payment is being denied.

Subpart (2) is necessary to require the plan to identify the specific section(s) of the enrollee's evidence of coverage that excludes the requested service or benefit.

Subpart (3) is necessary to require the plan to provide instructions to the enrollee on how to file a grievance with the plan and how to file a complaint and request for independent medical review with the Department. Since the Department makes the final determination as to whether the requested service or benefit was denied based on lack of medical necessity or on lack of coverage, the enrollee is entitled to file the request for independent medical review even if the plan has determined that the requested service or benefit is not covered under the enrollee's contract. Even if the Department agrees that the requested service or benefit is not covered, the enrollee is still entitled to pursue a grievance with Departmental review of the grievance, making it necessary for the plan to instruct the employee on how to file the grievance.

Regulation 1300.68.02(b):

This regulation requires the health plans to state in the enrollee's evidence of coverage that the procedures of regulation 1300.68.02(a) will be followed whenever the plan, or a contracted provider organization, denies a requested health care service or benefit on the basis that the service or benefit is not covered. This regulation is necessary so that the enrollee is aware of the procedures the plan must follow if a requested service or benefit is denied, in whole or in part, based on a coverage determination.

AUTHORITY

Health and Safety Code Section 1344.

REFERENCES

Health and Safety Code Sections 1367, 1368, and 1374.30.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department has prepared and has available for public review the following documents:

1. An initial statement of reasons for the proposed regulations; and
2. All information upon which these proposed regulations are based (rulemaking file).
3. The text of the proposed regulation.

A copy of any or all of these items is available upon request by writing to the Department of Managed Health Care, ATTN: Ms. Lyn Amor Macaraeg, 980 9th Street, Suite 500, Sacramento, California 95814, which address will also be the location of public records, including reports, documentation, and other material related to this notice of proposed action. Additionally, a copy of the final statement of reasons (when prepared) will be available upon request by writing to the same address.

INTERNET AVAILABILITY

Materials regarding this notice of proposed action are available via the Internet. They may be accessed at the following website:

<http://www.dmhc.ca.gov/library/regulations/>

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation. The changes will be clearly indicated. A request for a copy of any modified regulation should be addressed to the contact person designated below. The Director will accept written comments on the modified regulation for 15 days after the date on which they are made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

ALTERNATIVES CONSIDERED

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the comment period.

FISCAL IMPACT

- Cost or savings to any state agency: None anticipated.
- Cost to any local agency or school district for which Gov. Code Section 17500–17630 requires reimbursement: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.
- Costs or savings in federal funding to the state: None.
- Effect on housing costs: None.

DETERMINATIONS

The Director has determined that the proposed regulatory action:

- Has no economic impact on small businesses. Health care service plans are not a small business under Gov. Code Section 11342.610.
- Does not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Gov. Code Section 17500 et seq.
- In this *initial* determination and pursuant to Gov. Code Section 11346.5(a)(8), this regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- “The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.”
- Per Gov. Code Section 11346.5(a)(10), the Department has made an initial determination that the proposed regulations do not significantly affect:
 - o The creation of jobs in California;
 - o The elimination of jobs in California;
 - o The creation of new businesses in California;
 - o The elimination of existing business in California; or
 - o The expansion of existing businesses in California.

CONTACT PERSON

Comments or inquiries and substantive questions concerning these proposed regulations may be directed to CURTIS LEAVITT, Assistant Chief Counsel, or to the backup comment person, LYN AMOR

MACARAEG, Department of Managed Health Care, Office of Legal Services, 980 Ninth Street, Suite 500, Sacramento, California 95814, (916) 322-6727.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into the State contracts. The prospective contractors signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P. O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 Tracking Number 2080-2002-022-05

PROJECT: Hunte Parkway Extension

LOCATION: San Diego County

NOTIFIER: Dudek & Associates /
City of Chula Vista

BACKGROUND

The proposed action is the construction, operation, and maintenance of an extension of Hunte Parkway within the City of Chula Vista. This roadway extension will provide access to Village 11 of the Otay Ranch development from Olympic Parkway and Eastlake Parkway. The action would adversely affect approximately 175 Otay tarplant (*Deinandra conjugens*) individuals occurring on 0.2 acre of grassland habitat. *Deinandra conjugens*, formerly *Hemizonia conjugens*, is a species listed as endangered under the California Endangered Species Act, Fish and Game Code 2050, *et seq.* ("CESA") and threatened under the federal Endangered Species Act. On June 11, 2002, the U.S. Fish and Wildlife Service issued Biological Opinion #1-6-02-F-2870.2 describing the project actions and setting forth measures to mitigate impacts to the *Deinandra conjugens* and its habitat. On October 15, 2002, the Director of the Department of Fish and Game ("Department") received a notice from Mr. Vipul Joshi of Dudek and Associates, Inc. seeking

on behalf of the City of Chula Vista a determination pursuant to section 2080.1 of the Fish and Game Code that the biological opinion was consistent with CESA.

DETERMINATION

After reviewing the above-referenced biological opinion and other relevant documents, the Department has determined that Biological Opinion # 1-6-02-F-870.2 is consistent with CESA because the project, including mitigation measures incorporated into the project, meet the standards set forth in Fish and Game Code section 2081 (b) and (c) for Department authorization of incidental take of species protected under CESA. Measures incorporated into the project and described in the federal biological opinion to protect the Otay tarplant include but are not limited to the following:

1. Permanent preservation of a 0.8-acre area that presently contains approximately 800 Otay tarplants (achieving a mitigation-to-impact ratio of 4:1 for both plants and acreage impacted).
2. The mitigation area will be preserved with a recorded conservation easement and managed in perpetuity consistent with the Otay Ranch Resource Management Plan, Phases 1 and 2, which were adopted on October 28, 1993 and June 4, 1996, respectively. These documents include the formation of the Otay Ranch Preserve, an 11,375-acre reserve designed and managed specifically for the protection and enhancement of multiple species present on Otay Ranch. These plans also provide for the formation of a Preserve Owner Manager to perform day-to-day and long-range maintenance and enhancement activities in the reserve. Funding for in-perpetuity management of the Otay Ranch Preserve has been assured through the formation of a Preserve Maintenance District (Community Facilities District No. 97-02, City of Chula Vista, July 1, 1998).
3. Topsoil within the 0.2-acre impact area will be salvaged to the maximum extent practicable and spread over areas just south of the existing population adjacent to the Parkway. Since this measure is in addition to the 4:1 mitigation described previously, no success criteria are associated with the topsoil salvage and application.
4. Best Management Practices (BMPs) will be implemented to ensure that the remaining population of Otay tarplant adjacent to the project is not affected by construction activities. These BMPs include flagging the perimeter of the approved construction corridor for the duration of construction activities, periodic construction monitoring by a qualified biologist, and implementing a worker education program for construction employees.

Pursuant to section 2080.1 of the Fish and Game Code, incidental take authorization under CESA will not be required for incidental take of *Deinandra conjugens* as a result of the project. Any substantive changes to the project as described in the biological opinion, including changes to the mitigation measures, will require the City of Chula Vista to obtain a new consistency determination or a CESA incidental take permit from the Department.

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

Notice to Interested Parties

**ANNOUNCEMENT OF PUBLIC WORKSHOP
AND PUBLIC COMMENT PERIOD**

**PUBLIC WORKSHOP DISCUSSION OF THE
DRAFT TECHNICAL SUPPORT DOCUMENTS
FOR PROPOSED PUBLIC HEALTH GOALS
FOR 11 CHEMICALS IN DRINKING WATER**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency announces the availability of the revised draft technical support documents for a proposed Public Health Goal (PHG) for each of the following eleven (11) chemicals in drinking water: asbestos, barium, beryllium, chlorobenzene, 1,1-dichloroethane, diethylhexyl adipate, ethylene dibromide, hexachlorobenzene, silvex, 1,1,2,2-tetrachloroethane, and toxaphene. This second publicly-released draft of the documents will be posted on the OEHHA Web site (www.oehha.ca.gov) on December 6, 2002.

A one-day public workshop was held on July 22, 2002, to discuss the scientific basis and recommendations in the draft technical support documents. Following the workshop, OEHHA has considered all the comments received and revised the documents, and is presently making them available for a 30-day public review and scientific comment period. Written comments must be received at OEHHA by 5:00 p.m. January 10, 2003, to be considered during the final revision of the documents. This second review and comment period is announced and published in the California Regulatory Notice Register and is posted on the OEHHA Web site. The responses to the major comments from the public at the workshop and during the public review and scientific comment periods will be available on the OEHHA Web site at final publication.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (Health and Safety Code Section 116365), amended 1999, requires OEHHA to develop PHGs based exclusively on public health considerations. PHGs published by OEHHA will be considered by the California Department of Health Services in setting drinking water standards (Maximum Contaminant Levels, or MCLs).

Printed copies of the draft technical support documents may be obtained for a fee from:

Instant Copying and Laser Printing
2015 Shattuck Avenue
Berkeley, California 94720
Phone: (510) 704-9700
FAX: (510) 704-9970

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below. Written requests should be addressed to:

Ms. Juliet Rafol
Pesticide and Environmental Toxicology Section
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
1515 Clay Street, 16th Floor
Oakland, California 94612
Attention: PHG Project
FAX: (510) 622-3218

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

Notice to Interested Parties

**ANNOUNCEMENT OF SECOND PUBLIC
COMMENT PERIOD**

**Public Comments on the Second Draft Technical
Support Document for a Proposed Public Health
Goal for PERCHLORATE in Drinking Water**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency previously made available the first Draft Technical Support Document for a Proposed Public Health Goal (PHG) for Perchlorate in Drinking Water. This draft document was posted on the OEHHA Web site (www.oehha.ca.gov) on March 11, 2002. A one-day public workshop was held on April 29, 2002,

to discuss the scientific basis of the proposed PHG. OEHHA follows the requirements set forth in Health and Safety Code, Sections 57003 and 116365, for conducting the workshop and receiving public input.

Following the workshop and public comment period, OEHHA evaluated all the comments received, revised the document, and is presently making the revised document available for a 45-day public review and scientific comment period. This second review and comment period is announced and published in the California Regulatory Notice Register and is posted on the OEHHA Web site. The responses to the significant comments from the public and scientific reviewers will be available on the OEHHA Web site upon publication of the final risk assessment for perchlorate.

Oral and written comments received at the workshop were considered during the revision of the draft technical support document. Written comments regarding the revised risk assessment must be received at OEHHA by 5:00 p.m. on January 24, 2003, to be considered.

The Public Health Goal (PHG) technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (Health and Safety Code Section 116365), amended 1999, requires OEHHA to develop PHGs based exclusively on public health considerations. PHGs published by OEHHA will be considered by the California Department of Health Services in setting drinking water standards (Maximum Contaminant Levels, or MCLs).

Printed copies of the draft technical support document may be obtained for a fee from:

Instant Copying and Laser Printing
2015 Shattuck Avenue
Berkeley, California 94720
Phone: (510) 704-9700
FAX: (510) 704-9970

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below. Written requests should be addressed to:

Ms. Juliet Rafol
Pesticide and Environmental Toxicology Section
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
1515 Clay Street, 16th Floor
Oakland, California 94612
Attention: PHG Project
FAX: (510) 622-3218

RULEMAKING PETITION DECISIONS

BOARD OF PRISON TERMS

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Division 2

PETITIONER

Mr. Larry McLaughlin [CDC # C-34815], lead requester, and 532 named co-petitions similarly situated.

AUTHORITY

Under authority established in Penal Code (PC) Sections 3041, 3052 and 5076.2, the Board may prescribe and amend regulations for the administration of parole.

CONTACT PERSON

Please direct any inquiries regarding this action to Lori Manieri, Regulations Coordinator, Board of Prison Terms, by mail at 1515 "K" Street, Sixth Floor, Sacramento, CA 95814, by telephone at (916) 445-5277, by telefax at (916) 322-3475, or by E-mail to: "regcomment@bpt.ca.gov".

AVAILABILITY OF PETITION

The petition for amendment of the regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests the Board of Prison Terms amend the California Code of Regulations (CCR), Title 15, Division 2, Sections 2282 and 2403 to require that parole dates be set in accordance with applicable base term matrices.

DEPARTMENT DECISION

The Board of Prison Terms denies the petition to amend CCR Sections 2282 and 2403.

The Board of Prison Terms (Board or BPT) considers your "Request for Administrative Review Government Code (GC) § 11340.6" as constituting a Petition for Adoption or Repeal of Regulations under that statute.¹

¹ Your petition was received on October 24, 2002. The Board tenders this "Decision on Petition to Amend Regulations" in accord with GC § 11340.7. Since the 30th day fell on a Saturday, the response was filed the next business day. See GC § 6707.

GC § 11340.6 requires that your petition state the following clearly and concisely: (a) the substance or nature of the regulation amendment, or repeal requested; (b) the reason for the request; and (c) a reference to the authority of the state agency to take the action requested.

Although your letter is neither clear nor concise, the Board construes your petition's attempt to comply with the Government Code requirements as follows: (a) the Board's application of Penal Code (PC) § 3041(a), 15 California Code of Regulations (CCR) § 2282 and § 2403 is contrary to the Legislature's intent, i.e. the Board has misapplied relevant criteria by keeping life prisoners incarcerated past their minimum eligible parole dates and the Board has improperly relied upon aggravating and mitigating circumstances in rendering parole suitability determinations; (b) the Board has not set the base ranges for indeterminate terms, using the middle of the applicable matrix category, for the majority of the 532 life prisoner co-petitioners (but set them longer); and (c) PC § 3041(a) provides that "the Board shall establish criteria for the setting of parole release dates"

THE BOARD DENIES YOUR PETITION

Your request is vague. Your burden under the petition process is to specify the substance and nature of the adoption, amendment or repeal of regulations that you desire. You have not. You complain that the Board is applying current policy in a manner contrary to legislative intent. You have not clearly established that the Legislature's intent was to parole life prisoners at the earliest possible time, or at the middle term of the base range, or ignoring the circumstances of the commitment offense. Even if the Board agreed with your argument, the remedy would not require any regulatory changes. The only remedy that a petition under GC § 11340.6 can obtain is a regulatory change or a hearing to consider a regulatory change. In essence, your petition asks the Board to follow its own regulations. Your complaint is not with the language of the regulations. Ergo, your petition must be denied. The regulations are sufficient for the Board to accomplish its duties under law.

Your request, that the Board amend its regulations by making mandatory, the base term ranges in the matrices, is contrary to law. The Board's duty to set parole dates is undoubtedly a discretionary act, not a ministerial one. The Board is charged with exercising its discretion and must consider all the circumstances in each individual case. PC § 3041 requires the Board to adopt sentencing criteria. The Board criteria adopted in 15 CCR § 2282 are guidelines. Hearing panels have discretion to grant parole earlier or later than these suggested guidelines. See 15 CCR § 2282(a).

A convict "has no inherent or constitutional right to release before expiration of a valid [life] sentence."² In each case the decision weighing the facts of the crime and the individual strives to be equitable not scientific. "It is thus not surprising that there is no prescribed or defined combination of facts which, if shown, would mandate release on parole."³ The Board's base term matrices have received judicial review. "With respect to these determinations [parole suitability], the regulations [15 CCR §§ 2400–2407] provide general guidelines only [15 CCR §§ 2401, 2402(c) and (d)]. The determination is to be made on consideration of each case on an individual basis."⁴ PC § 3041(b) entitles the inmate to have a parole date set under unless the Board determines that public safety requires a lengthier period.⁵

You cite *In re Stanworth*⁶ for the proposition that the current matrices' base ranges under the Determinate Sentencing Law (DSL) [15 CCR § 2282 and § 2403] were intended to have greater force than the suggested base ranges under the previous Indeterminate Sentencing Law (ISL) [15 CCR § 2329]. However, *Stanworth* held, only for the limited purpose of ex post facto analysis, that the change between ISL to DSL was significant enough to potentially increase punishment. Thus, application of the new DSL rules to Mr. Stanworth violated prohibitions against ex post facto laws. The Board has discretion under either ISL or DSL to delay the parole of prisoners who present a significant risk to public safety.

You state that Board reliance on aggravating or mitigating factors is improper in making a decision on parole suitability. However, the gravity of the offense is a significant consideration under PC § 3041(b). Therefore, individualized consideration of the particular circumstances of an inmate's commitment offense may be a basis for finding unsuitability.⁷ Blind adherence to any matrix is improper. For example, all second degree murders do not reflect the same measure of danger to public safety.⁸ The range of conduct is extremely broad and the decision maker is

² *In re Morrell*, 102 Cal.App.4th 280, 287, 125 Cal.Rptr.2d 391, 398 (2002) citing *Greenholtz v. Inmates of Nebraska* 99 S.Ct. 2100, 60 L.Ed.2d 668, 675 (1979).

³ Same cites. See *In re Schoengarth*, 425 P.2d 200 (Cal. 1967), in accord.

⁴ *Morrell*, at p. 289, 400.

⁵ *Morrell*, same cite, discusses the statutory scheme.

⁶ 33 C.3d 176, 181 (1982).

⁷ *Morrell*, at p. 301, 410, citing *In re Minnis*, 498 P.2d 997 (Cal. 1972), *In re Ramirez*, 94 Cal.App.4th 549, 114 Cal.Rptr.2d 381 (2001), and *In re Rosenkrantz*, 80 Cal.App.4th 409, 426, fn.18, 95 Cal.Rptr.2d 279 (2000).

⁸ *Morrell*, at pp. 302–303, 411, citing *People v. Dixie*, 98 Cal.App.3rd 852, 856, 159 Cal.Rptr. 717 (1979).

required to consider the specific circumstances of an inmate's crime on an individualized basis before determining parole suitability.⁹

For all these reasons, the Board denies your petition.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF FORESTRY AND FIRE PROTECTION Archeology 2002

This action amends provisions governing preparation of the Confidential Archeological Addendum (CAA) attached to timber harvesting plans.

Title 14

California Code of Regulations

AMEND: 895.1, 929.1, [949.1, 969.1], 929.2, [949.2, 969.2], 929.3, [949.3, 969.3], 929.4, [949.4, 969.4] REPEAL: 929.5, [949.5, 969.5], 1037.5(a), 1052

Filed 11/25/02

Effective 01/01/03

Agency Contact: James L. Mote (916) 653-9418

BOARD OF FORESTRY AND FIRE PROTECTION Tahoe Exemption—2002

This rulemaking repeals the sunset provision for an exemption to allow landowners to remove dead and dying trees in the Tahoe Basin without preparing a timber harvest plan.

Title 14

California Code of Regulations

AMEND: 1038(f)

Filed 11/21/02

Effective 01/01/03

Agency Contact: James L. Mote (916) 653-9418

BOARD OF FORESTRY AND FIRE PROTECTION Stocking Standards 100

This action without regulatory effect corrects internal references in provisions dealing with stocking standards.

Title 14

California Code of Regulations

AMEND: 912.7, 932.7, 952.7

Filed 11/25/02

Effective 12/25/02

Agency Contact: James L. Mote (916) 653-9418

CALIFORNIA HIGHWAY PATROL

Lighting Equipment—Warning Lamps

This rulemaking amends the regulations dealing with warning lamps for emergency vehicles and special hazard vehicles by clarifying that the standards apply to all warning lamps, regardless of the technology employed, and that any suitable technology may be employed in such lamps provided the applicable standards are met.

Title 13

California Code of Regulations

AMEND: 810, 811, 812, 813, 814, 815, 816, 817, 818

Filed 11/25/02

Effective 12/25/02

Agency Contact:

Jack Schwendener (916) 445-1865

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Training and Testing Specification for peace Officer Basic Courses

This regulatory action amends the requirements for Learning Domain #13, of the Peace Officer Basic Course, which deals with the enforcement of the Alcohol Beverage Control Act.

Title 11

California Code of Regulations

AMEND: 1005

Filed 11/26/02

Effective 01/01/03

Agency Contact: Leah Cherry (916) 227-3891

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

Drug Testing

In this Certificate of Compliance regulatory action, the Department of Alcohol and Drug Programs implements the Substance Abuse Treatment and Testing Accountability Program, as provided for in recent legislation (Statutes of 2001, Chapter 721). The regulations set forth the administrative requirements for State funding of county substance abuse testing activities.

Title 9

California Code of Regulations

ADOPT: 9526, 9531 AMEND: 9500, 9505, 9515, 9530, 9535

Filed 11/26/02

Effective 11/26/02

Agency Contact: Mary Conway (916) 327-4742

⁹ Morrall, same cite.

DEPARTMENT OF CHILD SUPPORT SERVICES
Compromise of Arrearages

This emergency regulatory filing implements Family Code section 17550 which permits compromise of child support arrearages under specified conditions.

Title 22

California Code of Regulations

ADOPT: 119015, 119019, 119045, 119069, 119076, 119191, and Forms CSS 4476 (09/02), CSS 4477 (09/02), CSS 4478 (09/02), CSS 4479 (09/02), CSS 4480 (09/02), and CSS 4481 (09/02)

Filed 11/25/02

Effective 11/25/02

Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF INSURANCE
Privacy of Nonpublic Personal Information

This action adopts specific rules relating to the collection and use of personal information collected by the Department's licensees from claimants or beneficiaries of insurance products or services intended primarily for personal, family, or household purposes. The regulations will become effective March 24, 2003.

Title 10

California Code of Regulations

ADOPT: 2689.1, 2689.2, 2689.3, 2689.4, 2689.5, 2689.6, 2689.7, 2689.8, 2689.9, 2689.10, 2689.11, 2689.12, 2689.13, 2689.14, 2689.15, 2689.16, 2689.17, 2689.18, 2689.19, 2689.20, 2689.21, 2689.22, 2689.23, 2689.24,

Filed 11/22/02

Effective 03/24/03

Agency Contact: Elizabeth Mohr (415) 538-4112

DEPARTMENT OF MANAGED HEALTH CARE
Nonsubstantive Changes of Terms

The name of the Department of Managed Care was changed by Statutes 2000, Ch. 857 (AB 2903) to the Department of Managed Health Care. This filing changes the agency name throughout the body of their regulations in Title 28 of the California Code of Regulations and is a nonsubstantive change without regulatory effect pursuant to section 100(a)(6) of Title 1 of the California Code of Regulations.

Title 28

California Code of Regulations

AMEND: 1000,1300.43.3,1300.43.6, 1300.43.10, 1300.43.13, 1300.43.14, 1300.43.15, 1300.45, 1300.47, 1300.51, 1300.51.1, 1300.51.2, 1300.52.1, 1300.61.3, 1300.65.1, 1300.89, 1300.99

Filed 11/21/02

Effective 12/21/02

Agency Contact:

Lyn Amor Macaraeg (916) 322-9727

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

Cathode Ray Tubes

This rulemaking action readopts the emergency regulations that conditionally exempt cathode ray tube material from its current classification as hazardous waste provided the material is managed in compliance with the streamlined management requirements established by this rulemaking action, which correspond to federal management requirements for "universal waste."

Title 22

California Code of Regulations

ADOPT: 66273.6, 66273.80, 66273.81, 99273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, 66273.90 AMEND: 66271.9, 66273.1, 66273.8, 66273.9

Filed 11/25/02

Effective 12/05/02

Agency Contact: Joan Ferber (916) 322-6409

OFFICE OF SPILL PREVENTION AND
RESPONSE

Financial Responsibility / Fund Administration

The regulatory action deals with both the procedures for applications for a California Certificate of Financial Responsibility including the raising of fee amounts and the provisions of the Oil Spill Prevention and Administration Fund Fee.

Title 14

California Code of Regulations

AMEND: 791.1, 870.15, 870.17, 870.19, 870.21 and incorporated by reference form FG-OSPR -1972

Filed 11/21/02

Effective 01/01/03

Agency Contact:

Joy D. Lavin-Jones (916) 327-0910

OFFICE OF THE STATE FIRE MARSHAL

The proposed regulatory action would amend the provisions for the inspection of fire extinguishers including a change of the teardown frequency, where fire extinguishers are completely dismantled and internally inspected, from once a year to once every six years in order to more closely align the standards with those found in The National Standard: NFPA 10, Standard for Portable Fire Extinguishers, [1998 edition].

Title 19

California Code of Regulations

AMEND: 557.9, 560, 567, 574.6, 575.3, 575.4(a), 578.10, 594.3, 594.5, 595.5, 596, 596.1, 596.2, 596.3

Filed 11/21/02
 Effective 01/01/03
 Agency Contact:
 Rodney Slaughter (916) 445-8454

STATE PERSONNEL BOARD

Discovery in Non-Adverse Action Evidentiary

This is a nonsubstantive editorial cleanup to change a cross reference to a section in the text that has been renumbered to it's new number and to replace a comma between cited Gov't Code sections with "and."

Title 2
 California Code of Regulations
 AMEND: 57.1
 Filed 11/26/02
 Effective 11/26/02
 Agency Contact: Steve Unger (916) 651-8461

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN JULY 24, 2002
 TO NOVEMBER 27, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

10/29/02 AMEND: 1, 100

Title 2

11/26/02 AMEND: 57.1
 11/18/02 AMEND: 589, 589.3, 589.4, 589.5, 589.9
 11/14/02 AMEND: 2271
 11/04/02 ADOPT: 549.95
 11/04/02 ADOPT: 1859.70.1, 1859.71.3,
 1859.78.5, 1859.78.6,
 1859.78.7, 1859.93.1, 1859.120,
 1859.121, 1859.122, 1859.122.1,
 1859.122.2, 1859.123, 1859.124,
 1859.124.1, 1859.125, 1859.125.1,
 1859.126, 1859.127, 1859.128, 1859.129,
 1859.130, 1859.140, 1859.141, 1859
 10/31/02 AMEND: 51000
 10/31/02 ADOPT: 18531.7
 10/24/02 ADOPT: 2351
 10/09/02 AMEND: 18539.2
 10/04/02 ADOPT: 18544
 10/04/02 AMEND: 1859.81, 1859.91

09/16/02 AMEND: 1859.79, 1859.79.3, 1859.81.1,
 1859.83, 1859.107
 09/12/02 AMEND: 18110, 18401, 18404.1, 18451,
 18540, 18705.4, 18997
 09/09/02 AMEND: 1859.92, 1859.104, 1859.105,
 1859.107
 08/19/02 ADOPT: 18535
 08/14/02 ADOPT: 56, 56.1, 56.2, 56.3, 56.4, 56.5,
 56.6, 56.7, 56.8
 08/12/02 ADOPT: 1859.71.2, 1859.78.4, 1859.108
 AMEND: 1859.50, 1859.70, 1859.72,
 1859.73.1, 1859.73.2, 1859.74.1,
 1859.75.1, 1859.76, 1859.78.2,
 1859.79.3, 1859.81, 1859.81.1, 1859.82,
 1859.100, 1859.101, 1859.102, 1859.107
 08/12/02 ADOPT: 57.1, 57.2, 57.3, 57.4
 08/07/02 ADOPT: 59000
 07/31/02 ADOPT: 18450.1
 07/25/02 AMEND: 2970

Title 3

11/12/02 ADOPT: 4600, 4601, 4602, 4603
 11/07/02 AMEND: 6000, 6710
 11/01/02 AMEND: 3417(b)
 10/28/02 AMEND: 3604(b)
 10/24/02 AMEND: 1380.19, 1430.10, 1430.12,
 1430.14, 1430.26, 1430.27, 1430.32,
 1430.45, 1430.50, 1430.51
 10/17/02 ADOPT: 3650, 3651, 3652, 3653, 3654,
 3655, 3656, 3657, 3658, 3659, 3660,
 3661, 3662, 3663, 3663.5
 10/09/02 AMEND: 1380.19(h), 1420.10, 1442.7
 REPEAL: 1420.9, 1442.10
 09/19/02 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
 6784 AMEND: 6000 REPEAL: 6450,
 6450.1, 6450.2, 6450.3, 6784
 09/10/02 AMEND: 3700(c)
 09/09/02 AMEND: 6414
 08/30/02 AMEND: 3423(b)
 08/29/02 AMEND: 1408.3
 08/19/02 ADOPT: 3664, 3665, 3666, 3667, 3668,
 3669
 08/14/02 AMEND: 6172, 6192, 6200, 6252
 08/13/02 AMEND: 3423(b)
 07/25/02 AMEND: 3423(b)

Title 4

10/15/02 ADOPT: 1867
 10/07/02 ADOPT: 12300, 12301, 12302, 12303,
 12304, 12305, 12306, 12307, 12308
 09/12/02 ADOPT: 8110, 8111, 8112, 8113, 8114,
 8115, 8116, 8117, 8118, 8119, 8120,
 8121, 8122, 8123, 8124, 8125
 09/03/02 AMEND: 1107
 08/15/02 ADOPT: 4144

08/13/02 AMEND: 7000, 7001, 7002, 7003,
7003.5, 7004, 7005, 7006, 7007, 7008,
7009, 7010, 7011, 7012, 7013, 7013.1,
7013.5, 7014, 7015, 7016, 7017
08/08/02 AMEND: 8072, 8074
07/30/02 AMEND: 2050

Title 5

10/21/02 AMEND: 18301
10/17/02 ADOPT: 80434 AMEND: 80001
08/15/02 ADOPT: 11980, 11981, 11982, 11983,
11984, 11985,
08/13/02 ADOPT: 11969.10 REPEAL: 11969.9
07/31/02 AMEND: 30950, 30951.1, 30952, 30953,
30954, 30955, 30956, 30957, 30958,
30959
07/30/02 ADOPT: 11969.1, 11969.2, 11969.3,
11969.4, 11969.5, 11969.6, 11969.7,
11969.8, 11969.9
07/29/02 AMEND: 3051.16, 3065

Title 8

11/18/02 ADOPT: 2980, 2981, 2982, 2983
10/01/02 AMEND: 3457(b)
09/25/02 AMEND: 451, 527
09/19/02 AMEND: 14004, 14005
09/12/02 AMEND: 1671.2
09/09/02 ADOPT: 13635.1, 13655, 13656, 13657,
13658, 13659 AMEND: 13630, 13631,
13632, 13633, 13634, 13635,
13637,13638,13639, 13640, 13641,
13642, 13643, 13644, 13645,
13646,13647, 13648, 13649,13650,
13651, 13652, 13653, 13654
09/03/02 ADOPT: 20299
08/26/02 ADOPT: 340.40, 340.41, 340.42, 340.43,
340.44, 340.45, 340.46, 340.47, 340.48,
340.49, 340.50, 340.51, 340.52
08/05/02 AMEND: 3362
07/31/02 AMEND: 4799
07/30/02 ADOPT: 290.0, 290.1, 291.0, 291.1,
291.2, 291.3, 291.4, 291.5, 292.0, 293.0,
294.0, 295.0

Title 9

11/26/02 ADOPT: 9526, 9531 AMEND: 9500,
9505, 9515, 9530, 9535
07/31/02 ADOPT: 9851, 9874 AMEND: 9800,
9846, 9852, 9854, 9856, 9858, 9867,
9876, 9884, 9886 REPEAL: 9857

Title 10

11/22/02 ADOPT: 2689.1, 2689.2, 2689.3, 2689.4,
2689.5, 2689.6, 2689.7, 2689.8, 2689.9,
2689.10, 2689.11, 2689.12, 2689.13,
2689.14, 2689.15, 2689.16, 2689.17,
2689.18, 2689.19, 2689.20, 2689.21,
2689.22, 2689.23, 2689.24,

11/19/02 ADOPT: 2542, 2542.1, 2542.2, 2542.3,
2542.4, 2542.5, 2542.6, 2542.7, and
2542.8
11/18/02 ADOPT: 2187.4
11/14/02 AMEND: 5002
11/07/02 ADOPT: 2193, 2193.1, 2193.2 2193.3
11/04/02 ADOPT: 2698.99
10/31/02 ADOPT: 2632.13
10/16/02 ADOPT: 2660 AMEND: 2646.2, 2648.4,
2651.1, 2652.5, 2655.1, 2655.5, 2655.6,
2655.10, 2656.1, 2656.2, 2656.3, 2656.4,
2657.2, 2658.1, 2659.1, 2661.3, 2697.3
09/25/02 ADOPT: 2698.90, 2698.91
09/25/02 AMEND: 250.9.1(a), 250.12(a), 250.51,
350.60(a), 260.001, 260.100.1,
260.100.3, 260.102.4(b), 260.102.8(b),
260.102.16, 260.103, 260.105.28,
260.105.33, 260.111, 260.112, 260.113,
260.121, 260.131, 260.140.71.2,
260.140.87(e), 260.140.110.2, 260.140.11
09/19/02 AMEND: 2851, 2851.1
08/30/02 AMEND: 5101
08/29/02 AMEND: 2698.200, 2698.201, 2698.301,
2698.302
08/28/02 ADOPT: 2278, 2278, 2278.1, 2278.2,
2278.3, 2278.4, 2278.5
08/28/02 AMEND: 2698.73
08/27/02 AMEND: 2632.5(d)(11)
08/20/02 ADOPT: 1729, 1741.5, 1950.302
AMEND: 1741.5
08/19/02 AMEND: 2130.3
08/15/02 ADOPT: 5480, 5480.1, 5480.2, 5480.3,
5480.4, 5480.5, 5480.6, 5480.7, 5480.8
08/12/02 AMEND: 2318.6, 2353.1
08/12/02 AMEND: 2318.6
08/05/02 REPEAL: 310.100.1

Title 11

11/26/02 AMEND: 1005
10/10/02 ADOPT: 435, 436, 437, 438, 439, 440,
441, 442, 443, 444, 445, 446, 447, 448,
449, 450, 451, 452, 453, 454, 455, 456,
457, 458, 459, 460, 461, 462, 463, 464,
465, 466, 467, 468, 469, 470, 471, 472,
473, 474, 475, 476, 477, 478, 479, 480,
481, 482, 483, 48
10/07/02 ADOPT: 1012 AMEND: 1001, 1004,
1005, PAM D-13 REPEAL: former 1005
09/18/02 ADOPT: 61.8
08/29/02 AMEND: 3000, 3001, 3003, 3007 , 3008
08/27/02 AMEND: 1070, 1082
08/13/02 AMEND: 1005

Title 13

11/25/02 AMEND: 810, 811, 812, 813, 814, 815,
816, 817, 818
11/04/02 ADOPT: 225.00, 225.03, 225.06, 225.09,
225.12, 225.15, 225.18, 225.21, 225.24,

225.27, 226.30, 225.33, 225.36, 225.39,
225.41, 225.45, 225.48, 225.51, 225.54,
225.57, 225.60, 225.63, 225.66, 225.69,
225.72, and related forms

10/18/02 AMEND: 1956.8

09/16/02 AMEND: 1960.1, 1960.5, 1961, 1962,

07/25/02 AMEND: 422.01

Title 13, 17

09/12/02 ADOPT: 1969, 60060.1, 60060.2,
60060.3, 60060.4, 60060.5, 60060.6,
60060.7

Title 14

11/25/02 AMEND: 912.7, 932.7, 952.7

11/25/02 AMEND: 895.1, 929.1, [949.1, 969.1],
929.2, [949.2, 969.2], 929.3, [949.3,
969.3], 929.4, [949.4, 969.4] REPEAL:
929.5, [949.5, 969.5], 1037.5(a), 1052

11/21/02 AMEND: 791.1, 870.15, 870.17, 870.19,
870.21 and incorporated by reference
form FG-OSPR -1972

11/21/02 AMEND: 1038(f)

11/18/02 AMEND: 2090, 2105, 2420, 2425, 2530
and 2690 renumbered to 2850

11/18/02 AMEND: 932.9, 952.9

11/14/02 AMEND: 895.1, 912.7, 913.1, 913.2,
932.7, 933.1, 933.2, 952.7, 953.1, 953.2

11/07/02 ADOPT: 749.2

11/07/02 AMEND: 7.50(b)(5)(E), 7.50(b)(156)(H)

10/28/02 ADOPT: 4971

10/28/02 AMEND: 1058.5

10/24/02 ADOPT: 17211, 17211.1, 17211.2,
17211.3, 17211.4, 17211.5, 17211.6,
17211.7, 17211.8, 17211.9

10/21/02 AMEND: 163, 163.5, 164

10/15/02 AMEND: 2030

10/09/02 ADOPT: 819.06, 819.07 AMEND:
815.03, 815.05, 817.02, 817.03, 818.02,
818.03, 819, 819.01, 819.02.8, 19.03,
819.04, 819.05

10/09/02 AMEND: 502, 507(c)

10/08/02 AMEND: 2135

10/03/02 AMEND: 3502

10/03/02 ADOPT: 3810, 3811, 3812, 3813, 3814,
3815, 3816, 3817

10/01/02 ADOPT: 3940, 3941, 3942, 3943, 3944,
3945, 3946, 3947, 3948

10/01/02 AMEND: 3650, 3652, 3653, 3655, 3656,
3658

09/30/02 AMEND: 17400, 17402, 17402.5

09/30/02 AMEND: 3901, 3909, 3910

09/19/02 AMEND: 3626, 3627, 3628

09/18/02 AMEND: 300(a) REPEAL: 502.1

09/12/02 ADOPT: 105.5 REPEAL: 195

09/12/02 AMEND: 120.3

09/09/02 ADOPT: 712

09/09/02 AMEND: 550, 551, 552

09/04/02 ADOPT: 104.1

08/28/02 ADOPT: 786.7, 786.8 AMEND: 786.0,
786.1, 786.2, 786.3, 786.4, 786.5, 786.6

08/26/02 ADOPT: 18090.0, 18090.1, 18090.2,
18090.3, 18091.1, 18092.0, 18093.0,
18093.1, 18094.0 AMEND: 18011

08/21/02 AMEND: 7.50 (b)(212)

08/13/02 ADOPT: 844.3, 844.4, 844.5 AMEND:
790, 840, 840.1, 841, 842, 843, 843.1,
843.2, 843.3, 843.4, 843.6, 843.7, 843.8,
843.9, 844, 844.1, 844.2, 844.6, 844.7,
845, 845.1, and 845.2

08/12/02 ADOPT: 150.02, 150.04

08/09/02 AMEND: 670.2

08/06/02 AMEND: 28.59

07/31/02 ADOPT: 50.00, 50.01, 50.02, 50.03,
51.00, 51.01, 51.02, 51.04, 51.05, 155.01,
155.05, 155.10 AMEND: 109

07/25/02 ADOPT: 18085, 18086, 18087, 18088
AMEND: 18011, 18056

07/25/02 AMEND: 791.7; Forms FG OSPR-1925,
FG OSPR-1947, and FG OSPR-1972.

Title 15

10/04/02 AMEND: 3025, 3315

09/30/02 AMEND: 3006

08/27/02 ADOPT: 3375.5 AMEND: 3000, 3375,
3375.1, 3375.2, 3375.3, 3375.4, 3377

08/19/02 ADOPT: 3426

07/24/02 ADOPT: 3220.2, 3220.3 AMEND: 3220,
3220.1

Title 16

10/23/02 ADOPT: 1777, 1777.1, 1777.2, 1777.3,
1777.4, 1777.5, 1778, 1778.1, 1778.2,
1778.3

10/08/02 AMEND: 308

10/02/02 ADOPT: 306.3

09/24/02 AMEND: 1999.5

09/23/02 AMEND: 306.2

09/13/02 AMEND: 1811

09/11/02 ADOPT: 1706.5, Article 5, Article 6,
Article 7, Article 8, Article 10, Article
10.1. AMEND: 1703, 1704, 1705, 1706,
1706.1, 1707.1, 1707.3, 1708.2, 1708.3,
1708.4, 1709, 1710, 1715.6, 1716, 1716.1,
1716.2, 1717, 1717.1, 1717.2, 1717.4,
1718, 1718.1, 171

09/10/02 AMEND: 331-12.2(e)

09/10/02 AMEND: 1305, 1306, 1328

09/09/02 AMEND: 438

08/20/02 AMEND: 1382.3

08/08/02 AMEND: 1707.2

08/07/02 ADOPT: 4140, 4141, 4142, 4143

08/01/02 ADOPT: 3367, 3368

07/31/02 AMEND: 2473

07/30/02 AMEND: 1399.523

07/26/02 AMEND: 3340.16, 3340.16.5, 3340.17,
3340.32, 3340.42, 3340.50 REPEAL:
3340.16.7

Title 17

11/12/02 AMEND: 94006
10/29/02 AMEND: 54000, 54001
10/08/02 AMEND: 93105(a)(1)
09/24/02 AMEND: 6020, 6025, 6035, 6050, 6051,
6065, 6070, 6075
09/04/02 ADOPT: 94200, 94201, 94202, 94203,
94204, 94205, 94206, 94207, 94208,
94209, 94210, 94211, 94212, 94213,
94214
08/29/02 AMEND: 57332
08/22/02 ADOPT: 33001, 33002, 3303, 33004,
33005, 33006, 33007, 33008, 33010,
33011, 33012, 33013, 33014, 33015,
33025, 33050 AMEND: 33020, 33030,
33040 REPEAL: 33001, 33010
08/20/02 ADOPT: 93112
08/19/02 ADOPT: 94164, 94165 AMEND: 94010,
94011, 94153, 94155, 94163,
08/08/02 AMEND: 58420
08/08/02 AMEND: 30253

Title 18

10/08/02 AMEND: 24344(c)
09/19/02 AMEND: 305.1
09/03/02 AMEND: 1541
09/03/02 AMEND: 1540
09/03/02 ADOPT: 1534
08/20/02 AMEND: 1528
08/19/02 AMEND: 1543

Title 19

11/21/02 AMEND: 557.9, 560, 567, 574.6, 575.3,
575.4(a), 578.10, 594.3, 594.5, 595.5,
596, 596.1, 596.2, 596.3
10/21/02 AMEND: 981.3(a)(b)(d)
10/10/02 ADOPT: 2735.3(rr), 2770.4.1 AMEND:
2735.3(rr) to (zz), 2770.5
09/12/02 ADOPT: 2575, 2575.1, 2575.2, 2576,
2576.1, 2577, 2577.1, 2577.2, 2577.3,
2577.4, 2577.5, 2577.6, 2577.7, 2577.8,
2578, 2578.1, 2578.2
09/12/02 ADOPT: 2575, 2575.1, 2575.2, 2576,
2576.1, 2577, 2577.1, 2577.2, 2577.3,
2577.4, 2577.5, 2577.6, 2577.7, 2577.8,
2578, 2578.1, 2578.2, 2578.3

Title 20

10/28/02 ADOPT: 1601, 1602, 1602.1, 1603, 1604,
1605, 1605.1, 1605.2, 1605.3, 1606,
1607, 1608 REPEAL: 1601, 1602, 1603,
1604, 1605, 1606, 1607, 1608

Title 22

11/25/02 ADOPT: 66273.6, 66273.80, 66273.81,
99273.82, 66273.83, 66273.84, 66273.85,

66273.86, 66273.87, 66273.88, 66273.89,
66273.90 AMEND: 66271.9, 66273.1,
66273.8, 66273.9

11/25/02 ADOPT: 119015, 119019, 119045,
119069, 119076, 119191, and Forms CSS
4476 (09/02), CSS 4477 (09/02), CSS
4478 (09/02), CSS 4479 (09/02), CSS
4480 (09/02), and CSS 4481 (09/02)

11/18/02 AMEND: 69103

11/18/02 ADOPT: 4407.1

11/05/02 AMEND: 1256-9, 1253. 12-1, 1030(a)-1

10/31/02 ADOPT: 64806

10/28/02 ADOPT: 110250, 110374, 117016,
117019, 117021, 117025, 117030,
117036, 117042, 117047, 117049,
117052, 117054, 117064, 117074,
117080, 117083, 11785, 117089, 117091,
117094, 117200, 117300, 117301,
117302, 117303, 117400, 117401,
117402, 117403, 117404,

10/21/02 ADOPT: 110226, 110242, 110251,
110336, 110337, 110355, 110485,
110547, 110615, 116004, 116018,
116036, 116038, 116042, 116061, 116062,
116063, 116100, 116102, 116104,
116106, 116108, 116110, 116114,
116116, 116118, 116120, 116122, 116124,
116130, 116132,

10/09/02 ADOPT: 111900, 111910, 111920,
121100, 121120, 121140 REPEAL:
(MPP) 12-435

10/07/02 AMEND: 5000, 5065, 5102

09/30/02 ADOPT: 110550 AMEND: 110413,
113100, 113200, 113300 REPEAL: 12-
401.1, 12-104.432

09/23/02 AMEND: 66261.9

09/03/02 ADOPT: 69100, 69101, 69102, 69103,
69104, 69105, 69106, 69107

09/03/02 AMEND: 40633

08/27/02 AMEND: 12601, 12201

08/22/02 ADOPT: 110385, 110449, 110554,
118020, 118203

08/21/02 AMEND: Chapter 1; Section 7000

08/14/02 ADOPT: 111560

08/06/02 ADOPT: 63000.17, 63000.47, 63000.66,
63000.70, 63000.81, 63000.84, 63000.85,
63000.86, 63000.87, 63000.88, 63015,
63058 AMEND: 63000.19, 63000.37(and
renumbered to 63000.67), 63000.40,
63000.43, 63000.62, 63000.86 (and re-
numbered to 63000.89), 63000.89

08/06/02 ADOPT: 66273.6, 66273.80, 66273.81,
66273.82, 66273.83, 66273.84, 66273.85,
66273.86, 66273.87, 66273.68, 66273.69,
66273.90 AMEND: 66271.9, 66273.1,
66273.8, 66273.9

08/05/02 AMEND: 68200, 68201, 68202, 68203, 68204, 68205, 68206, 68207, 68208, 68209, 68210, 68211, 68212, 68213, 68214

08/01/02 AMEND: 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 66270.30, Appendix

Title 22, MPP

10/28/02 ADOPT: 89202, 89261, 89319, 89323, 89370, 89372, 89374, 89376, 89388, 89400, 89405 AMEND: 87000, 87001, 87005, 87006, 87007, 87009, 87010, 87010.1, 87010.2, 87017, 87018, 87019, 87019.1, 87019.2, 87020, 87021, 87024, 87026, 87027, 87028, 87029, 87031,

08/15/02 ADOPT: 110041, 110042, 110098, 110284, 110299, 110428, 110539, 110609, 112002, 112015, 112025, 112034, 112035 AMEND: 110430, 110431, 110473, 112100, 112110, 112130, 112140, 112150, 112152, 112154, 112155, 112200, 112210, 112300, 112301, 112302, REPEAL: 12

08/09/02 AMEND: 80001, 80006, 80061, 80065, 80068.3, 80071, 80075, 80077.2, 80077.3, 80077.4, 80087, 80090, 80092.1, 80092.2, 80092.3, 80092.4, 80092.6, 80092.7, 80092.8, 80092.9, 80092.10, 80092.11 REPEAL: 80095

08/09/02 ADOPT: 80075.1, 82075.2, 87575.2, 87925 AMEND: 80001, 80061, 82001, 82061, 87101, 87561, 87801, 87861

08/07/02 AMEND: 101218.1, 102419, 102421

08/01/02 AMEND: 87101, 87565, 87566, 87568, 87589

07/24/02 ADOPT: 110000, 110042, 110046, 110088, 110099, 110109, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436,, 110445, 110456, 110474, 110478,

Title 23

10/29/02 AMEND: 2200

09/25/02 AMEND: 645, 717(c), 767(b)

09/19/02 AMEND: 3937

08/27/02 ADOPT: 3410, 3410.1, 3410.2, 3410.3, 3410.4, 3410.5

08/23/02 ADOPT: 2729, 2729.1

08/08/02 AMEND: 3953

07/30/02 AMEND: 2910

Title 25

11/07/02 AMEND: 1317, 1318, 1319

11/07/02 AMEND: 5575

10/01/02 AMEND: 7202, 7234

09/30/02 AMEND: Section 6500, Appendix A & B

Title 28

11/21/02 AMEND: 1000, 1300.43.3, 1300.43.6, 1300.43.10, 1300.43.13, 1300.43.14, 1300.43.15, 1300.45, 1300.47, 1300.51, 1300.51.1, 1300.51.2, 1300.52.1, 1300.61.3, 1300.65.1, 1300.89, 1300.99

11/12/02 ADOPT: 1300.70.4, 1300.74.30 AMEND: 1300.68, 1300.68.01

08/19/02 ADOPT: 1300.73.21

08/12/02 ADOPT: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008

Title MPP

10/21/02 AMEND: 31-001, 31-002, 31-075, 31-401, 31-405, 31-410, 31-420, 31-440, 31-445

10/02/02 ADOPT: 40-107.141, .142, .143, .144, .15, 151, .152; 42-302.114, .114(a)-(c), .21(h)(l), .3; 44-133.8; 82-833 AMEND: 40-107.14, 16, .17, .18, .19; 42-301.2; 44-133.51; 82-823

09/30/02 AMEND: 63-403.1, 63-405.134, 63-409.122, 63-502.31

08/30/02 ADOPT: 16-001, 16-003, 16-005, 16-010, 16-015, 16-105, 16-120, 16-130, 16-201, 16-215, 16-301, 16-310, 16-315, 16-320, 16-325, 16-401, 16-410, 16-501, 16-505, 16-510, 16-515, 16-517, 16-520, 16-601, 16-610, 16-701, 16-750, 16-801 AMEND: 20-300, 44-302,

08/06/02 AMEND: 63-102, 63-103, 63-300, 63-301, 63-503

08/01/02 AMEND: 40-181.1(e); 42-710.6; 42-711.5, .6, &.8, 42-721.1&.4; 44-314.1&.2; 80-301(r); and 82-812.6

08/01/02 AMEND: 42-701.2(w), 42-710.1, 42-710.2, 42-710.3, 42-711.522(c)(1), 42-711.544, 42-711.91, 42-711.931, 42-711.941, 42-712.441(a), 42-718.21, 42-719.11, 42-719.111, 42-719.2, 42-719.3, 42-721.511(d)

07/26/02 AMEND: 63-402

07/24/02 ADOPT: 16-702

